

**Notice of Allowability**

Application No.

10/769,386

Examiner

Disimery E. Mercedes

Applicant(s)

LEE, TEHRI S.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/08/2007.
2. ☒ The allowed claim(s) is/are 1,3,6-10,12,15 and 16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1,3,6-10,12,15-16 (renumbered 1-10) are allowed.
2. The following is an examiner's statement of reasons for allowance:

Independent Claim 1 & 10, are allowable over the prior art of record since the cited references taken alone or in combination do not teach or suggest: *processing the read signal to detect a sync mark in a spiral track and generating an associated sync mark reliability metric, the sync mark reliability metric representing a probability that the sync mark was detected accurately; generating a timing recovery measurement in response to the detected sync mark and the sync mark reliability metric; processing the read signal representing the high frequency signal in the spiral track to generate a position error signal (PES) used to maintain the head along a substantially circular target path; and using the servo write clock and the head internal to the disk drive to write the product servo sectors along the circular target path.*

Independent Claim 7 & 16, are allowable over the prior art of record since the cited references taken alone or in combination do not teach or suggest: *(b) processing the read signal to detect a sync mark in a spiral track and generating an associated sync mark reliability metric, the sync mark reliability metric representing a probability that the sync mark was detected accurately; (c) generating a timing recovery measurement in response to the detected sync mark and the sync mark reliability metric; (e) processing the read signal representing the high frequency signal in the spiral track to generate a position error signal (PES) used to maintain the head along a substantially circular target path; and (f) using the servo write clock and the head internal to the disk drive to write the product servo sectors along the circular target path, wherein the step of generating the timing recovery measurement further comprises the steps of: (i) comparing the sync mark reliability metric to a threshold; (ii) if the sync mark reliability metric is above the threshold, generating the timing recovery measurement in response to the detected sync mark; (iii) if the sync mark reliability metric is below the threshold, ignoring the detected sync mark; (iv) accumulating*

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*the consecutive number of ignored sync marks; and (v) if the accumulation exceeds a predetermined number and the sync mark reliability metric is below the threshold, generating the timing recovery measurement in response to the detected sync mark.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Swearingen et al. (US 5,668,679); Esumi (US 2001/0010604); Christiansen et al. (US 6,603,622); Brunelle (US 5,583,712); Foland Jr. et al. (US 5,761,212); Baker et al. (US 6,304,407); Codillan et al. (US 6,091,564); Sakamoto et al. (US 6,272,194); Okazaki (US 5,838,512); Lee et al. (US 6,965,489); Chue et al. (US 6,987,636); Cloke (US 6,411,452); Ozdemir (US 2003/0030929); Glover (US 6,101,229); Lee (US 6,967,799); Lee et al. (US 6,989,954); Sutardja et al. (US 7,002,761); Agarwai et al. (US 7,016,134); Kupferman (US 6,882,486); Zhang et al. (US 7,023,631).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dismery E. Mercedes whose telephone number is 571-272-7558. The examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DM  
**TAN DINH**  
**PRIMARY EXAMINER**

2/02/07